

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 23, 1935, Parker T. Frey, trading as the Parker T. Frey Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24279. Misbranding of salad oil. U. S. v. 15 Cans of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 34389. Sample no. 20729-B.)

This case involved a product consisting essentially of cottonseed oil containing little or no olive oil, which was labeled to convey the impression that it was imported olive oil.

On November 16, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cans of salad oil at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about October 1, 1934, by the Italian Olive Oil Co., from Jamestown, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements, "La Vergine Brand Finest Quality Oil Lucca", "Qualita Extra Fina Insuperabile Per Tavola, Cucina, Etc.", "Extra Fine Quality Oil Insuperable for Table, Cooking, etc.", the design of an olive tree and a woman holding a jug of green oil suggesting olive oil, and the design of a foreign scene, appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On January 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24280. Adulteration of canned mackerel. U. S. v. 5 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 34425. Sample nos. 22235-B, 22241-B.)

This case involved an interstate shipment of canned mackerel which was found to be in part decomposed.

On November 21, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 cases, each containing 48 cans of mackerel, at Albany, Ga., alleging that the article had been shipped in interstate commerce on or about October 20 and October 22, 1934, by the Seaboard Packing Corporation, from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dixiland Brand Mackerel * * * Packed by Seaboard Packing Corporation Long Beach, California.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24281. Adulteration and misbranding of Hungarian Style Lekver. U. S. v. 7 Pails and 2 Pails of Hungarian Style Lekver. Default decree of condemnation and destruction. (F. & D. no. 34433. Sample no. 17115-B.)

This case involved a product sold as Hungarian Style Lekver, a fruit butter usually prepared from fresh plums, which was found to consist of a product made from dried prunes, corn sirup, and a small amount of apple chops. The article contained lead in an amount that might have rendered it injurious to health.

On November 23, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven 30-pound pails and two 60-pound pails of Hungarian Style Lekver at Newark, N. J., alleging

that the article had been shipped in interstate commerce on or about August 23, 1934, by the Excelsior Honey Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hungarian Style Lekver Ingredients Fruit and Corn Syrup Manufactured by Excelsior Honey Co. Brooklyn, N. Y."

The article was alleged to be adulterated in that a substance containing dried prunes and apple chops had been substituted for a product made of fresh fruit. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statements on the label, "Hungarian Style Lekver * * * Fruit and Corn Syrup", were false and misleading and tended to deceive and mislead the purchaser, since this designation is not applicable to an article made from dried prunes, corn sirup, and apple chops. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24282. Adulteration of butter. U. S. v. 21 Cases of Butter. Default decree of condemnation and forfeiture. (F. & D. no. 34440. Sample no. 4965-B.)

This case involved a shipment of butter, samples of which were found to contain human hair, flies, and other insects, mold, a worm, and other filth.

On November 23, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 21 cases of butter at Washington, D. C., alleging that the article had been shipped by the Southern Maryland Creamery, from Waldorf, Md., on or about November 16, 1934, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drug Act. The article was labeled in part: "Blue Ridge Brand Creamery Butter * * * Joseph Atkin Distributor Washington, D. C."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On December 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by the marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

24283. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 34453. Sample no. 21206-B.)

This case involved a product consisting of domestic cottonseed oil containing little or no olive oil, which was labeled to convey the impression that it was Italian olive oil.

On or about December 3, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-five 1-gallon cans of salad oil at Meriden, Conn., alleging that the article had been shipped in interstate commerce on or about October 29, 1934, by the Goodman Products Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fine Oil Stella-Alpino Brand * * * Goodman Products Corp. N. Y. City."

The article was alleged to be misbranded in that the following statements and design appearing on the label, "Olio Stella Alpino e il migliore e piu gustoso ed e garantito a qualsiasi analisi chimica", "Composto del ottacinque per cento di olio vegetale e quindici per cento di olio d'oliva Italiano importato", "This oil is specially prepared for the Italian trade", and "Quest' olio e preparato specialmente per la clientela Italiana", and design of a hunter in foreign costume, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was Italian olive oil; whereas it was not, and this impression was not corrected by the relatively inconspicuous statement on the label, "Composed eighty five percent vegetable oil fifteen [sic] percent imported Italian olive oil." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.